

Council Chambers - City Council
City Hall - City of Lodi
Monday, May 16, 1932

The City Council of the City of Lodi met at 8 o'clock P. M. on the date first above written, Councilmen Clark, Keagle, Spooner, Weihe and Steele present.

The minutes of the last meeting held May 2nd., 1932 were read, approved as read and so endorsed by the Mayor.

Street Superintendent Dougherty asked permission to purchase a car-load of self-cementing gravel for use in patching chuck holes in earth streets, stating that the cost would be about \$1.00 per ton. On motion of Councilman Spooner, the Clerk was directed to order a car-load lot.

City Attorney Glenn West reported orally on his interview with Dr. John J. Sibby of San Joaquin Local Health District in regard to any modification in the enforcement of the milk vending ordinance, stating that the District had agreed to collect milk from non-conforming dairys for ninety days and act in accordance with the tests made on milk collected. The Mayor asked that the Committee on Public Health and Safety investigate the feasibility of framing an ordinance specifying a zone or zones within which cows could be kept.

ORDINANCE No. 191 " AN ORDINANCE RELATING TO THE DISTRIBUTION, IN THE CITY OF LODI, OF ADVERTISING SAMPLES, HANDBILLS, DODGERS CIRCULARS, BOOKLETS AND OTHER NOTICES OF COMMERCIAL ADVERTISING " having been regularly introduced on motion at a regular meeting of the City Council held April 18, 1932 and thereat laid over, was finally passed, adopted and ordered to print by the following vote :-

AYES: Councilmen, Keagle, Weihe, Clark, Spooner and Steele.
NOES: None. ABSENT: None.

Mayor Steele, stated that, inasmuch as the occasion for the employment of Edward K. Hussey as City Engineer had passed, he would entertain the submission of a resolution declaring the office of City Engineer to be vacant. Councilman Clark, Weihe second, moved the adoption of such a resolution, and on roll-call, the following resolution was thereupon adopted by the following vote:-

AYES: Councilmen, Clark, Weihe and Steele,
NOES: Councilmen, Keagle and Spooner

RESOLUTION No. 660

WHEREAS, the work, for which Edward K. Hussey was employed as City Engineer by Resolution No. 629 of this City Council adopted March 9, 1931, has been accomplished ;

AND, WHEREAS, there is little prospect of any work arising at this time occasioning the employment of a City Engineer ;

BE IT RESOLVED, THEREFORE, that said Resolution No. 629 be and the same is hereby rescinded and the office of City Engineer of the City of Lodi be declared vacant.

A. G. Hurtle appeared at this time desiring to know if the Council desired him to again conduct the summer playgrounds in the City Park. On motion of Councilman Spooner, Weihe second, Mr Hurtle was instructed to go ahead under the same conditions and with the same pay-roll as last year.

Fire Chief, George D. Polenske asked the Council to investigate the feasibility of employing a mechanic at the tentative wage of \$20.00 per month to maintain the fire trucks of the City. At the order of the Mayor, this matter was referred to the Committee on Public Health and Safety for investigation.

Mr. O.F. Klaffke addressed the Council in regard to the condition of that part of Olive Court lying between Church Street and Pleasant Avenue. He was informed that the Street Superintendent was ordering materials suitable for patching earthen streets.

Mr. Granville S. Wilson, having appeared after the City Attorney had reported on the enforcement of the milk ordinance, was informed that the Health District's inspector was taking samples for a period of ninety days before starting strict enforcement.

At 9.42 P.M., the Council was resolved into executive session, returning to open session at 10.10 P.M.

Resolution No. 659 was then adopted by the following vote:-

AYES: Councilmen, Spooner, Weihe, Clark, Keagle & Steele.
 NOES: None. ABSENT: None.

(Note- a true copy of this resolution appears at the close of these minutes)

On motion of Councilman Keagle, Weihe second, Councilman Spooner was appointed a committee of one to work in conjunction with Mr. Lloyd W. Thayer in disseminating information as to the true value to the people of the Lodi district, of the so called "Preston Water Rights" now held by Arlington Properties Ltd., a subsidiary of Pacific Gas & Electric Company and to induce them to assist the City in keeping these "rights" available to use, by having the State Division of Water Rights continue the applications for diversion thereunder until such a time as they might be applied for the benefit of the country dependent on the Mokelumne River for its water supply.

At the order of the Mayor, the City Council then adjourned.

Attest:-

J. B. Blaney
 City Clerk.

The foregoing minutes read and approved without correction at a regular meeting of the City Council of the City of Lodi held June 6, 1932.

Y. M. Steele
 Mayor of the City of Lodi
 June 6 1932.

RESOLUTION NO. 659.

WHEREAS J. W. Preston Jr. heretofore filed with the Division of Water Rights of the Department of Public Works of the State of California four domestic and agricultural applications numbered 1964, 2099, 2535 and 2997 for permits to divert from the Mokelumne River certain waters to be used in the irrigating of lands in the Mokelumne River area; and

WHEREAS said J. W. Preston Jr. has heretofore assigned the said applications to, and said applications are now held by, The Arlington Properties Company, a subsidiary of the Pacific Gas and Electric Company; and whereas said applications have been held in good standing and continued from time to time by said Division of Water Rights and are now being held in good standing under an order of continuance which will expire on June 15th, 1932; and whereas East Bay Municipal Utility District has caused a demand to be made upon the Division of Water Rights that all of said applications be forthwith cancelled; and

WHEREAS said Division of Water Rights in its letter of June 24th, 1930, to the City Attorney of the City of Lodi stated that "these applications are under indefinite continuance waiting a further showing by applicant as to legal relationship to owners of lands to be served," and also that there was "prospect that these applications might be useful in assisting to a solution of the litigation now in progress to justify the continuance noted above" over the waters of the Mokelumne River wherein said City of Lodi is an interested party; further, it was stated in the said letter that "Progress, however, along the lines of 'a bona fide community effort, including engineering studies . . . preliminary to the creation of an organization to permit of the use of the water requested under Applications No. 1964, 2099, 2535 and 2997' would undoubtedly be persuasive to the allowance of a further continuance

which might be extended from time to time so long as there was diligent effort and continued progress"; and

WHEREAS subsequently and under date of November 1st, 1930, Mr. J. W. Preston Jr. caused Mr. Lloyd W. Thayer to have an engineering and investigation report made by Mr. B. A. Etcheverry, Mr. F. C. Herrmann, Mr. Paul Bailey and Mr. T. A. Means, Consulting Engineers, regarding the said applications and uses to which the same, if granted, could be put in the irrigation of lands in the Mokelumne River area, copies of which report are in the possession of the said Division of Water Rights and the said City of Lodi; and

WHEREAS said Division of Water Rights, in its letter of July 11th, 1930, to the City Attorney of the City of Lodi, stated that said J. W. Preston Jr., who originally filed said applications, "supported by representatives of the Pacific Gas and Electric Company and the riparian owners, made representations to us (said Division of Water Rights) that there was a prospect these filings might be useful in adjusting (not adjudicating) the Mokelumne River situation", and also "These applications may be useful in adjusting the general Mokelumne River situation because the permits of East Bay Municipal District and Pacific Gas & Electric Company, which are creating such concern in the Lodi area, were issued expressly subject to vested rights and these applications represent the most tangible and earliest priorities so far as we know under which this area may now proceed with further development under new appropriations. We are ourselves not clear just how the City of Lodi may benefit from these applications unless it would be indirectly through stimulated agricultural development in surrounding territory." Further, the Division of Water Rights stated "We could not suggest the particular steps which should be taken in order to assure a further continuance in this matter. We feel that it is a matter for the interested parties themselves to indicate the steps which they think may be desirable and useful. If anyone of these parties wishes to outline

a course of action which it feels may be desirable and useful we shall be pleased to advise if in our judgment this constitutes effort along lines proper to be considered as a manifestation of diligence. In a general way we can merely advise that whatever steps will properly advance the consummation of the appropriations sought under these applications as they now stand upon our records may be considered in the way of diligence."

NOW THEREFORE, BE IT RESOLVED That it is impracticable for the City of Lodi, as a municipality, to initiate and form an irrigation district which could utilize the permits, if granted, under the said applications;

BE IT FURTHER RESOLVED That the City of Lodi, having in its possession, the said data and information as aforesaid, including said engineering report regarding the said applications and their beneficial adaptability, it is therefore the sense of this Council that its obligation to the surrounding territory requires the presentation of the aforesaid data and information to the said landowners;

BE IT FURTHER RESOLVED That the City Council of the City of Lodi shall cause to be submitted to the owners of lands in the territory referred to and described in the said applications the facts pertaining to the said applications and the beneficial uses to which the same might, if granted, be put as indicated in the aforesaid report, to the end that said landowners may, if they so desire, take such necessary steps as may be required for the future utilization, in whole or in part, of the said applications and permits if granted, to the end that said landowners may, prior to any cancellations thereof, thoroughly familiarize themselves with the said applications and beneficial uses, to which the same may be put.

BE IT FURTHER RESOLVED That, in order to afford a proper investigation by all interested landowners, within the area proposed to be irrigated under the said applications, of the matters proposed to be submitted as aforesaid, that the said Pacific Gas and Electric Company and/or The Arlington Properties Company be and they are hereby requested to apply to said Division of Water Rights for the necessary order continuing and keeping in good standing said applications for a further period of one year from and after June 15th, 1932; and that said Division of Water Rights be and it is hereby requested to grant the said order, and to keep said applications in good standing for the said period of one year thereby permitting the proper presentation and investigation as aforesaid;

BE IT FURTHER RESOLVED That certified copies of this Resolution be delivered to said Division of Water Rights of the Department of Public Works of the State of California, and to said Pacific Gas and Electric Company and said The Arlington Properties Company.